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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

----- X
FRANCIS PICONE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.
----- X

Hon. Anne E. Thompson

Civil Action No. 10-4397

**CONSENT ORDER TO REMAND
PURSUANT TO SENTENCE 4 OF
42 U.S.C. § 405(g)**

This matter having been opened to the Court by PAUL J. FISHMAN, United States Attorney for the District of New Jersey, and Jeremy A. Linden, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken with regard to Plaintiff's August 18, 2005 application for Title II Disability Insurance Benefits under the Social Security Act; and Plaintiff, through the undersigned attorney, having

consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 15th day of February, 2011;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



Hon. Anne E. Thompson, Judge
United States District Court

The undersigned hereby consent to the form and entry of the within order.

PAUL J. FISHMAN
United States Attorney

By: /s/ Jeremy A. Linden
Jeremy A. Linden
Special Assistant U.S. Attorney
Attorney for Defendant

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By: 
Gabriel Hermann, Esq.
Attorney for Plaintiff